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2012 AUG -3 PM 3:01

PRK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

U.S. BANK TRUST NATIONAL
ASSOCIATION, et al.,

Plaintiff,

vs.

EDWARD DEGUZMAN, et al.,

Defendants.

CASE NO. CV 12-6349 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily, because it was removed improperly.

On July 24, 2012, Larry Walker, apparently an intervenor in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

There is no basis for concluding that this unlawful detainer action could have been brought in federal court in the first place, in that Mr. Walker does not competently allege facts supplying either diversity or federal question jurisdiction, and therefore, removal is

1 improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.
2 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). There is no basis for concluding that
3 the amount in controversy exceeds the diversity jurisdiction threshold of \$75,000. *See* 28
4 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful detainer complaint expressly
5 alleges that the amount in issue does not exceed "\$10,000." Nor does this unlawful
6 detainer action raise any federal legal question on its face. *See* 28 U.S.C. §§ 1331, 1441(b).

7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
8 Court of California, Los Angeles County, 1427 West Covina Parkway, West Covina, CA
9 91790, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the
10 Clerk send a certified copy of this Order to the state court; and (3) that the Clerk serve
11 copies of this Order on the parties.

12 IT IS SO ORDERED.

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14 DATED: AUG - 2 2012

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17 ACTING


AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE

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